THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 5358 of 2006

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Dated:23.03.2006

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Between:

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S.Kesava Rao S/O Govidna Rao,

Student, R/o H.No.13-6-822/B/28, Bapunagar,

Hyderabad.

… **PETITIONER**

And:

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The Controller of the Examinations,

Osmania University, Hyderabad and another.

…**RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 5358 of 2006

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not allowing the petitioner to appear for the II year examination of

Bachelor of Science (B.Sc) commencing from today i.e, 23.03.2006, as arbitrary and illegal.

It is the case of the petitioner that he was admitted to B.Sc., course, which is a three-year degree course, in the academic year 2004-05, and has completed the first year and though he has attended the classes and put required attendance on completion of II year, the respondents are not allowing him to write the II year examination.

Learned Standing Counsel appearing for the respondent-University, on instructions, submits that while appearing for I year annual examinations conducted in the month of March/April, 2005, the petitioner has indulged in malpractice and basing on the recommendation of the committee constituted in this regard, orders were passed on 14.06.2005, vide in proceedings No.133/B.Sc/M.P/Annual/2005, cancelling the results of all the papers (practical and theory). It is further submitted that subsequently the petitioner has appeared in the supplementary examinations and that he was not promoted with regular students to the II year. In that view of the matter, the petitioner is not entitled to write the II year examination.

Though it is submitted by the learned counsel for the petitioner that the petitioner has attended the classes for II year in the second respondent college, the attendance is not noted. But the fact remains that as per the Academic Regulations, for promotion to II year degree course, there is a minimum requirement of pass in atleast five papers out of nine papers. Though it is submitted by the petitioner that he has passed six papers out of nine papers, it is to be noted in this regard that initially he appeared in the annual examination conducted in the month March/April 2005 and his results were cancelled on account of his involvement in malpractice, by order dated 14.06.2005. In view of the said cancellation, as per the Rules of the Osmania University, the petitioner was not promoted to II year for the academic year 2005-06.

In that view of the matter, the petitioner is not entitled to write the II year examination commencing from today i.e, 23.03.2006 as he was not promoted and did not put the required attendance. I do not find any merit in this writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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23.03.2006

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